

Nays—5.

Darwin. Linn of Wharton.
Harrison. Morriss.
Linn of Victoria.

Present, not voting.

Lewis.

Absent.

Atlee. Presler.
Beall. Stone.
Boren. Wayland.
Dibrell. Yantis.
Gough.

Senator Bowser moved that the regular order of business be suspended to take up

Senate bill No. 295, entitled "An act requiring foreign life insurance companies doing business in this State to invest a portion of its funds derived from business in this State in Texas securities, and providing penalties for a violation of its provisions."

Lost by the following vote:

Yeas—16.

Bowser. Neal.
Burns. Presler.
Colquitt. Stone.
Goss. Terrell.
Greer. Tillett.
Harrison. Turney.
Kerr. Wayland.
Morriss. Woods.

Nays—7.

Atlee. Ross.
Bailey. Stafford.
Lewis. Yett.
Rogers.

Absent.

Beall. Gough.
Boren. Linn of Victoria.
Darwin. Linn of Wharton.
Dibrell. Yantis.

The Chair announced the appointment of the following free conference committees:

Free conference committee on House bill No. 539, deficiency appropriation bill: Senators Linn of Victoria, Bowser, Burns, Yett, Harrison.

Free conference committee on Senate bill No. 83, Wayland fee bill: Senators Wayland, Woods, Terrell, Kerr, Greer.

Free conference committee on House bill No. 203, general appropriation bill: Senators Stone, Turney, Morriss, Colquitt, Goss.

On motion of Senator Bailey, the Senate adjourned to 10 a. m. to-morrow by the following vote:

Yeas—16.

Atlee. Neal.
Bailey. Rogers.
Burns. Ross.
Darwin. Stafford.
Greer. Tillett.
Kerr. Turney.
Lewis. Wayland.
Linn of Victoria. Yett.

Nays—7.

Bowser. Presler.
Colquitt. Terrell.
Harrison. Woods.
Morriss.

Present, not voting.

Linn of Wharton.

Absent.

Beall. Gough.
Boren. Stone.
Dibrell. Yantis.
Goss.

EIGHTY-EIGHTH DAY.

Senate Chamber,

Austin, Tex., Wednesday, May 5.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee. Morriss.
Bailey. Neal.
Beall. Presler.
Bowser. Rogers.
Burns. Ross.
Colquitt. Stafford.
Darwin. Stone.
Goss. Terrell.
Gough. Tillett.
Greer. Turney.
Harrison. Wayland.
Kerr. Woods.
Linn of Victoria. Yett.

Absent.

Boren. Linn of Wharton.
Dibrell. Yantis.
Lewis.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: We know not what awaits us, for Thou hast kindly veiled our eyes, but we are sure each onward step some new scene will before us rise, and that every joy from Thy hand will be a glad surprise. Oh, God, 'tis blessed not to know when Thou wilt hold us with Thine own hand and will

not let us go. We would rather walk in the dark with Thee than go alone in the light. We would rather walk by faith with Thee than go alone by sight. May Thy sweet benedictions be upon our homes. Touch the wound no hand of ours may approach; whisper to the weak, and suffering, and dying. Make the place of sorrow Thy chosen sanctuary, and where the darkness is very great do Thou set Thy largest star. According to Thy tender love and compassion, accept our repentance and forgive our sins. Put Thine arms, the everlasting arms, around us and give us to feel their inviolable security; we ask in the name of Christ. Amen.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

On motion of Senator Bowser, Senator Harrison was excused for absence on last Monday.

On motion of Senator Morriss, The Assistant Sergeant-at-Arms, Mr. Pace, was excused for absence on last Monday.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, May 5, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 263, a bill to be entitled "An act to prohibit persons, firms or corporations engaged in running pool or billiard tables in a public place, or for profit, or agent of such person, firm or corporation, permitting minors in or about their place of business without the written consent of their parents or guardians, and to provide a penalty therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,

Austin, Texas, May 5, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

House bill No. 651, a bill to be entitled "An act to prohibit the catching of fish, green turtle, loggerheads, terrapins or shrimp with seines, drag nets, fykes, set nets, gill nets, frammel net, traps, dams or weirs in any of the bays or navigable waters of this State

within the limits or within one mile of the limits of certain cities and towns, and to provide a penalty therefor."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

MAJORITY REPORT.

Committee Room,

Austin, Texas, May 4, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Internal Improvements, to whom was referred

House bill No. 673, a bill to be entitled "An act to authorize the Houston and Texas Central Railroad Company to purchase and operate the railway extending from near Bremond to Ross and from Ross to Albany, and to regulate reports of such properties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

COLQUITT, Chairman.

MINORITY REPORT.

Committee Room,

Austin, Texas, May 5, 1897.

Hon. Geo. T. Jester, President of the Senate:

The undersigned members of your Committee on Internal Improvements, to whom was referred

House bill No. 673, a bill to be entitled "An act to authorize the Houston and Texas Central Railroad Company to purchase and operate the railway extending from a point in or near the town of Bremond, in Robertson county, to a point in or near the town of Ross, in McLennan county, with its franchises and appurtenances, and the railway extending from a point in or near said town of Ross to a point in or near the town of Albany, in Shackelford county, with its franchises and appurtenances, or either of such railways, with its franchises and appurtenances, or any part or parts thereof, and to authorize the owners thereof to sell the same, and to authorize a corresponding increase in the authorized aggregate of the bonds and stock of said Houston and Texas Central Railroad Company, and to regulate reports of such properties and the operations thereof."

Beg leave to dissent from the action of a majority of said committee in reporting the above bill favorably, and

to submit a minority report thereon with the recommendation that said bill do not pass.

We also beg leave to preface this report with the statement that with a full attendance of the members of this committee said bill could not have been reported favorably, as the majority of the members thereof are opposed to the policy of further permitting and encouraging the Southern Pacific Company in acquiring control of a great number of roads in this State, some of which are parallel and others are competing lines, and operating them substantially under a common management and control, in violation of article 10, section 5, of the Constitution of Texas, and of article 4246 of the Civil Statutes of this State. Said article and section of the Constitution provides as follows: "No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with, or lease or purchase the works or the franchises of, or in any way control any railroad corporation, owning or having under its control a parallel or competing line, nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having control of any parallel or competing line;" and article 4246 (old number) of Sayles' Texas Civil Statutes provides: "It shall be unlawful for any railroad corporation or other corporation, or the lessees, purchasers or managers of any railroad corporation, to consolidate the stock, property or franchises of such corporation with or lease or purchase the stock, property, works or franchises of any other railroad corporation owning or having under its control or management a competing or parallel line, nor shall any agent, manager or lessee or purchaser of such railroad corporation act as or become an officer, agent, manager or purchaser of any other railroad corporation in leasing or purchasing any competing or parallel line." The Railroad Commission of this State, in its annual report for the year 1895, calls attention to the fact that "there are apparently fourteen railroads in this State, of the aggregate length of 2705 miles, substantially under a common management and control, a few of them parallel and others competing, viz., the Austin and Northwestern, Central Texas and Northwestern, Fort Worth and New Orleans, Galveston, Harrisburg and San Antonio, Gulf, Western Texas and Pacific, Houston and Texas Central, Lancaster Tap, Louisiana Western Extension, New York, Texas and Mexican, Sabine and East Texas, San Antonio and Aransas Pass, Texas and New Orleans, Texas Transportation, Texas Trunk, to which it is now proposed to add the Waco and Northwestern and the Texas Central." Continuing, the Commission says: "Part of the evidence of this joint ownership, control and management consists in the following facts, as shown by the sworn official reports of the railroad companies above mentioned to this Commission, showing that one person is president and director of five of these railroad companies, first vice-president and director of two more of them, and director in still three others of them, and there are no less than twenty-eight other persons who are either directors or officers, and in many instances both in from two to eight of these companies. The names of the persons can be readily ascertained by an examination of the list of the directors and officers of the railroads referred to, which appear in exhibit 4 of the appendix to this report. While it is not contended that these railroads are consolidated under any Texas charter, we understand that they are dominated and controlled by means of the ownership of their stock and bonds or otherwise, by the Southern Pacific Company, a corporation created by the Legislature of the State of Kentucky. By the terms of its charter it is provided that said corporation shall not have the power to make joint stock with, lease, own or operate any railroad within the State of Kentucky." From the above statement, it can be readily seen that the Galveston, Harrisburg and San Antonio, together with the Houston and Texas Central, comprise a part of the Southern Pacific or Huntington system of roads in this State, and with reference to the matter of competition, giving the Galveston, Harrisburg and San Antonio and the Aransas Pass, the Houston and Texas Central and Waco and Northwestern to the Southern Pacific Company, we have by these consolidations and joint operation four lines of railway, viz., the Galveston, Harrisburg and San Antonio, and the Aransas Pass, and the Houston and Texas Central, and the Waco and Northwestern, taking Houston and Waco as terminal points, operated practically as one railroad, to the injury and detriment of legitimate com-

petition; and again, taking Waco and El Paso as terminal points, we have now two independent and competing lines of travel, viz., the Aransas Pass and the Galveston, Harrisburg and San Antonio; or, by the Waco and Northwestern, Texas Central and Texas and Pacific, and it can be readily and Northwestern to the Southern Pacific Company to absorb the Waco and Northwestern and Texas Central would have the effect of partially destroying the competing line with the Aransas Pass, and Galveston, Harrisburg and San Antonio. We submit that a State policy which permits such a corporation as the Southern Pacific Company, a corporation not chartered for the purpose of building railroads at all, but for the purpose of buying, manipulating and controlling roads, to come into this State and group together a large number of our railroads, but partially constructed between the points given in their charter, suspend all further construction of said roads, grouping them together and operating them practically as one road, is in a high degree inimicable to the development and prosperity of this State. It should rather be the policy of the State, taking partially constructed lines like the Texas Central as a nucleus to oppose consolidation of such partially constructed lines with the existing railroad systems in this State, and encourage the building up of new and independent trunk lines; and it is a serious question whether or not a railroad company should not be required, within a reasonable length of time, to build on the terminal points given in its charter or forfeit its charter and franchises. With reference to the operation of the Southern Pacific Company in this State, we submit the further charge that this system has been operated in the interest of New Orleans as a port, diverting the commerce that should legitimately go to the seaboard of Texas, and it should be the policy of this State to so control the operation and management of our railroads as to build up the interests of our seaport towns.

As an additional objection to the passage of this bill, we cite the fact that the Houston and Texas Central has at this time a bonded indebtedness of about \$40,000 to the mile, or nearly double the value of its property and franchises, as found by the Railroad Commission; that the Waco and Northwestern has no bonded indebtedness at all, and the Texas Central only such bonded indebtedness as has

been allowed by the Railroad Commission, not exceeding the present value of the road, and that the bonds of the last named company are still in the hands of the stockholders of that company yet to be sold and the proceeds used in the further construction of that road; that the effect of consolidating these two last named roads with the Houston and Texas Central would be to virtually extend the immense bonded indebtedness of the Houston and Texas Central over the 229 miles of road of the Waco and Northwestern and the Texas Central, and in fixing freight rates for the consolidated system this bonded indebtedness would have to be considered, and that practically the result would be an increase of freight rates to the patrons of the last named roads; that so far as the promises made by the Houston and Texas Central to extend the Texas Central is concerned, we wish to say that we have no confidence in them at all and believe that they are made for the purpose of getting support for the passage of this bill, with no intention whatever of carrying them into effect. In this conclusion we are supported by the facts, that it has not in the past been the policy of Huntington and the Southern Pacific Company to extend and build railroads, but rather to manipulate, buy and operate existing roads. They are railroad wreckers and manipulators, and not builders.

We submit that viewed from any standpoint of public policy, this bill is hostile to railroad building, to the development and prosperity of Texas, and ought not to pass.

PRESLER,
ROGERS,
BOWSER,
YANTIS.

Committee Room,
Austin, Texas, May 4, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 349, a bill to be entitled "An act to authorize the Houston and Texas Central Railroad Company to purchase, own and operate the railway extending from a point in or near the town of Bremond, in Robertson county, to a point in or near the town of Ross, in McLennan county, with its franchises and appurtenances, and the railway extending from a point in or near said town of Ross to a point in or near the town

of Albany, in Shackelford county, with its franchises and appurtenances, or either of such railways with its franchises and appurtenances, or any part or parts thereof, and to authorize the owners thereof to sell the same, and to authorize a corresponding increase in the authorized aggregate of the bonds and stock of said Houston and Texas Central Railroad Company, and to regulate reports of such properties and the operations thereof."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass, for the reason that another bill of similar import has been acted upon.

COLQUITT, Chairman.

Committee Room,

Austin, Texas, May 4, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Public Lands, to whom was referred

Senate bill No. 376, a bill to be entitled "An act to extend for the period of two years, from the 1st day of March, 1897, the time in which certain purchasers of timber on school lands in this State may remove the timber from said lands."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GOSS, Chairman.

Committee Room,

Austin, Texas, May 5, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 110, a bill to be entitled "An act to amend article 4221 (3992), and article 4227 (3999), of the Revised Civil Statutes of the State of Texas,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, May 4, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 360, entitled "An act to amend article 170, title 9, chapter 2, of the Revised Civil Statutes of

1895, relating to the compensation of the superintendent of the State Orphan Asylum,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room.

Austin, Texas, May 4, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 129, a bill to be entitled "An act to create and establish an industrial institute in the State of Texas and a college for the education of white girls in the arts and sciences."

And find the same correctly engrossed.

GOUGH, Chairman.

Call concluded.

MESSAGE FROM THE GOVERNOR.

The Chair laid before the Senate the following message from the Governor:

Executive Office,

Austin, Texas, May 5, 1897.

To the Senate:

Senate bill No. 338 is herewith returned without approval. Briefly stated, it provides that the commissioners court of any county in this State whose general revenue fund is insufficient to pay the outstanding floating indebtedness of the county and to defray its ordinary and legitimate expenses, and whose floating debt exceeds \$2000 is authorized to retire and fund such debt lawfully made; that the court shall retire and cancel such evidences of debt and issue in lieu thereof other warrants, which shall be registered and paid according to their registered number, and such warrants may bear interest at a rate not exceeding 6 per cent per annum, but shall not be receivable for taxes; and that the court at the time of retiring such warrants shall appropriate, set apart, and levy an ad valorem county tax not exceeding 15 cents on the \$100 to pay the interest and create a sinking fund for the new warrants, such levy to continue in force until all the new warrants are paid, and such tax to constitute a part of the general revenue ad valorem tax of 25 cents, permitted to be levied for general county purposes.

The bill is believed to be both unconstitutional and unwise. By section 9, article 8, of the Constitution, county taxes, except for debts incurred prior to September 25, 1883, are limited to

25 cents for general county purposes, 15 cents for roads and bridges, 25 cents for the erection of public buildings and other permanent improvements, and 15 cents for the maintenance of public roads, the last to be voted by a majority of the taxpayers. It is clear, and the bill recognizes, that whatever may be the constitutional status of county warrants issued in excess of current revenue (*Corpus Christi v. Woessner*, 58 Texas, 467), the only tax by any possibility available for their payment is the 25 cents authorized for general county purposes. This tax of 25 cents, or so much thereof as may be necessary, is manifestly intended by the Constitution to meet primarily the urgent current expenses of the counties. Certainly, until these expenses are provided for no part of this tax can be devoted to other uses, for otherwise the counties would be rendered impotent and helpless. The bill under consideration would reverse this salutary rule. No matter what the exigencies of a county might be, regardless of its immediate and imperative necessities, a large part of the current revenue is sought to be permanently diverted from the payment of the current expenditures. Interpreting the constitutional provision already cited (section 9, article 8) in its application to cities and towns, the Supreme Court said: "The city had no authority to pledge or appropriate any part of the current revenues to the payment of the principal or interest of the debt. That fund is devoted by the Constitution to the support of the city government, and is always under the control of the council for that purpose." As this provision applies with equal force to counties, their current revenue can not be diverted, but is always under the control of the commissioners courts for the support of the county governments.

Bank v. Terrell, 78 Texas, 460.

Opinions Attorney-General, 1895-97, page 83.

As justifying its passage, it is declared in the bill that many counties in the State owe a floating indebtedness greater than can be paid from the general revenue fund of the counties, yet it is apparent that in this respect no relief will be given, because the debt is increased to the extent of the annual interest, and no additional revenue is available under the Constitution. In counties which would accept the provisions of the bill and

fund their floating debt, it is well known that warrants are worth less than par, and the payment of interest formed no part of the original contracts. Allowance was made by creditors in their prices for the depreciated value of the scrip and the necessity of waiting for payment without interest. Nor will the condition of current affairs be improved under the bill, for if these expenses can not be met with a tax of 25 cents they cannot be with the lesser rate of 10 cents proposed. It is true, the effect of this law would be the enhancement of the value of outstanding warrants and probable earlier liquidation, but in view of the facts stated it would be accomplished contrary to the original contracts, without valuable consideration, and would seriously embarrass the counties. To the extent that existing warrants were enhanced in value, warrants for current expenses would necessarily be depreciated, the counties left without adequate means to meet the most urgent demands, and their condition still further aggravated by the addition of interest to their indebtedness. The remedy under the present Constitution is to require the payment of all taxes in money, so that warrants may be paid in the order of registration, and reduction of county expenditures.

C. A. CULBERSON.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, May 5, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bills:

House substitute for Senate bill No. 1, a bill to be entitled "An act to prescribe and define the liability of persons, receivers or corporations operating railroads or street railways for injuries to their servants and employes, and to prohibit contracts between employer and employe, based upon the contingency of the injury or death of the employe, limiting the liability of the employer for damages,"

Senate bill No. 366, entitled "An act for the establishment of a public park on the site of the battlefield of San Jacinto, and providing for the purchase and condemnation of a sufficient amount of land upon which

to establish said park, and making an appropriation therefor."

With amendments.

LEE J. ROUNTREE,
Chief Clerk.

On motion of Senator Harrison, the regular order of business was suspended to take up on its second reading,

House bill No. 591, a bill to be entitled "An act to restore to and confer upon the county court of Lampasas county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of Texas, to define the jurisdiction of said court, to conform the jurisdiction of the district court of said county to such change, to fix the time for holding court, and to repeal all laws in conflict with this act."

Bill read second time, and passed to third reading.

On motion of Senator Bowser, the regular order of business was suspended to take up on second reading,

House bill No. 592, a bill to be entitled "An act to amend section 3, of chapter 132, of the acts of the Twenty-fourth Legislature, establishing a special road law for Dallas and Lamar counties, prescribing the same fees in county convict cases for the officers in said counties as those allowed officers in similar cases under the general laws of the State."

Bill read second time, and passed to third reading.

On motion of Senator Rogers, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Bailey.	Presler.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Stone.
Darwin.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yett.
Morriss.	

Nays—none.

Absent.

Atlee.	Kerr.
Beall.	Linn of Wharton.
Boren.	Neal.
Dibrell.	Rogers.
Goss.	Yantis.

Bill read third time, and passed by the following vote:

Yeas—21.

Bailey.	Presler.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Stone.
Darwin.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yett.
Morriss.	

Nays—none.

Absent.

Atlee.	Kerr.
Beall.	Linn of Wharton.
Boren.	Neal.
Dibrell.	Rogers.
Goss.	Yantis.

On motion of Senator Tillett, the regular order of business was suspended, to take up on its second reading,

House bill No. 601, a bill to be entitled "An act to provide for the disorganization of the county of Loving, in the State of Texas, and to attach said county to the county of Reeves for judicial and other purposes, and to provide for the assessment and collection of taxes in said county for the payment of outstanding indebtedness of said county."

Bill read second time.

By Senator Tillett:

Amend by striking out lines from 21 to 25, inclusive, page 1, and amend line 26 by striking out the word "said" and insert the word "the."

Adopted.

By Senator Tillett:

Amend page 4, line 20, by adding after the word "county" the following, "and certified copies of all such books, documents, papers or other matter, including certified copies of deeds, mortgages, deeds of trust or other muniments of title to real estate or to personal property, given under the hand and seal of the proper officer of Reeves county, shall have all the force and effect and be admissible in evidence in the same manner and as fully as if the same had been given by the proper officer of Loving county."

Adopted.

Bill as amended passed to a third reading.

On motion of Senator Tillett, the constitutional rule requiring bills to be read on three several days was suspended, and the bill was put on its

third reading and final passage by the following vote:

Yeas—23.

Bailey.	Morriss.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Stone.
Darwin.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yett.
Linn of Victoria.	

Nays—none.

Absent.

Atlee.	Linn of Wharton
Boren.	Neal.
Dibrell.	Rogers.
Goss.	Yantis.

Bill read third time, and passed by the following vote:

Yeas—23.

Bailey.	Morriss.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Stone.
Darwin.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yett.
Linn of Victoria.	

Nays—none.

Absent.

Atlee.	Linn of Wharton.
Boren.	Neal.
Dibrell.	Rogers.
Goss.	Yantis.

Senator Burns called up

Senate bill No. 366, a bill to be entitled "An act for the establishment of a public park on the site of the battle field of San Jacinto, and providing for the purchase and condemnation of a sufficient amount of land upon which to establish said park, and making an appropriation therefor."

Which had passed the House with amendments, and moved that the Senate concur in said amendments.

Concurred.

On motion of Senator Stone, the regular order of business was suspended to take up on second reading,

House bill No. 528, a bill to be entitled "An act to amend articles 579, 580, 586 and 615, title XVIII, of the Revised Civil Statutes of the State of

Texas; increases population necessary to incorporate; requires record of plat and that nothing but the town be included; provides for abolishing corporations by a majority vote."

Bill read second time, and passed to third reading.

On motion of Senator Stone, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—26.

Atlee.	Morriss.
Bailey.	Neal.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Stone.
Gough.	Terrell.
Greer.	Tillett.
Harrison.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yett.

Nays—none.

Absent.

Boren.	Linn of Wharton.
Dibrell.	Yantis.
Goss.	

Bill read third time, and passed by the following vote:

Yeas—24.

Atlee.	Linn of Victoria.
Bailey.	Morriss.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yett.

Nays—none.

Absent.

Boren.	Neal.
Dibrell.	Stone.
Goss.	Yantis.
Linn of Wharton.	

Senator Burns called up

Senate bill No. 33, a bill to be entitled "An act to protect accountants, bookkeepers, artisans, craftsmen, factory operatives, mill operatives, servants, mechanics, quarrymen and common laborers and farm hands; to provide a lien and to prescribe the time of payments and in lawful money of the United States, and

providing for attorney's fees in foreclosing such liens and prescribing the rights of the assignees of such persons, and to repeal all laws in conflict with this act."

Which had passed the House with amendments, and moved that the Senate concur in said amendments.

Senator Gough moved as a substitute that the Senate do not concur in the House amendments, and that a free conference committee be asked for.

The substitute prevailed.

PENDING BUSINESS.

The Chair laid before the Senate, on third reading,

House bill No. 157, a bill to be entitled "An act to amend article 2977 of chapter 4, title 55, of the Revised Statutes of the State of Texas, relating to divorce, so as to permit the wife to obtain a divorce where the husband shall have left her for one year with intention of abandonment, or for non-support on the part of the husband, as well as for the continued drunkenness of either the husband or wife, and to repeal all laws and parts of laws in conflict herewith."

By Senator Bailey:

Amend line 5, page 2, by striking out all after the word "woman" in line 5 of said paragraph.

Adopted.

By Senator Tillett:

Amend page 1 by striking out all of subdivision 1 after the word "insupportable," line 29.

Senator Gough moved that the amendment be laid on the table.

Tabled.

By Senator Bailey:

Amend page 1, line 18, by striking out of caption the words "or for non-support on the part of the husband."

Adopted.

(Senator Ross in the chair.)

By Senator Tillett:

Amend page 2, line 3, by striking out the word "one" and insert in lieu thereof the word "two."

Senator Lewis moved to lay the amendment (Tillett's) on the table.

Lost by the following vote:

Yeas—9.

Bailey.	Lewis.
Bowser.	Morriss.
Burns.	Presler.
Gough.	Woods.
Kerr.	

Nays—13.

Beall.	Goss.
Darwin.	Greer.

Harrison.
Ross.
Stafford.
Stone.
Terrell.

Tillett.
Turney.
Wayland.
Yett.

Absent.

Atlee.
Boren.
Colquitt.
Dibrell.
Linn of Victoria.

Linn of Wharton.
Neal.
Rogers.
Yantis.

The amendment was then lost by the following vote (requiring a two-thirds vote):

Yeas—13.

Beall.
Darwin.
Goss.
Gough.
Greer.
Harrison.
Stafford.

Stone.
Terrell.
Tillett.
Turney.
Wayland.
Yett.

Nays—9.

Bailey.
Bowser.
Burns.
Kerr.
Lewis.

Morriss.
Presler.
Ross.
Woods.

Absent.

Atlee.
Boren.
Colquitt.
Dibrell.
Linn of Victoria.

Linn of Wharton.
Neal.
Rogers.
Yantis.

By Senator Burns:

"Sec. 5. A divorced husband or wife shall not be permitted to enter into the bonds of matrimony until two years after the granting of divorce. A violation of the provisions of this section shall be deemed a misdemeanor, and the party so offending shall be fined not less than \$100 nor more than \$500, and in addition thereto may be imprisoned for one year in the county jail."

Senator Bailey moved that the amendment be laid on the table.

Tabled by the following vote:

Yeas—17.

Bailey.	Presler.
Beall.	Rogers.
Bowser.	Ross.
Gough.	Stone.
Greer.	Terrell.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yett.
Morriss.	

Nays—7.

Burns.	Darwin.
Colquitt.	Goss.

Harrison. Tillett.
Stafford.

Absent.

Atlee. Neal.
Boren. Turney.
Dibrell. Yantis.
Linn of Wharton.

Bill passed by the following vote:

Yeas—15.

Bailey. Lewis.
Beall. Presler.
Bowser. Rogers.
Burns. Ross.
Gough. Terrell.
Greer. Wayland.
Harrison. Woods.
Kerr.

Nays—8.

Atlee. Stafford.
Colquitt. Stone.
Goss. Tillett.
Linn of Victoria. Yett.

Present, not voting.

Darwin.

Absent.

Boren. Neal.
Dibrell. Turney
Linn of Wharton. Yantis.
Morris.

I vote "no" on the final passage of this bill, because I believe the measure is contrary to good morals and against public policy. It is a long step in the wrong direction. It makes the marriage vow a mere legal trifle, and enables a worthless man to wreck the lives of three women in three years, instead of only one woman in three years as now. No more vicious law, fraught with mightier evils, has passed this Legislature, in my opinion.

TILLET.

Senator Bailey moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

Tabled by the following vote:

Yeas—15.

Bailey. Presler.
Beall. Rogers.
Bowser. Ross.
Burns. Stone.
Gough. Wayland.
Greer. Woods.
Kerr. Yett.
Lewis.

Nays—8.

Atlee. Linn of Victoria.
Colquitt. Stafford.
Goss. Terrell.
Harrison. Tillett.

Present, not voting.

Darwin.

Absent.

Boren. Neal.
Dibrell. Turney.
Linn of Wharton. Yantis.
Morris.

Senator Rogers called up the motion to reconsider the vote by which

Senate bill No. 79, a bill to be entitled "An act to amend article 2640 of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardian,"

Was passed to a third reading, and moved to lay the motion on the table.

Tabled.

Pending further action,

On motion of Senator Presler, the regular order of business was suspended to take up, on second reading,

House bill No. 228, a bill to be entitled "An act to prevent the introduction of scab disease among sheep in the State of Texas, and to prevent the spread of and secure the eradication of same, and providing a manner of examining such animals, together with the manner of taxing and collecting cost therefor, and making it a misdemeanor to violate the provisions of this act and prescribing penalties for such violations."

Bill read second time, and passed to third reading.

On motion of Senator Presler, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Atlee. Neal.
Beall. Presler.
Bowser. Rogers.
Burns. Ross.
Colquitt. Stafford.
Darwin. Stone.
Harrison. Terrell.
Kerr. Tillett.
Lewis. Turney.
Linn of Victoria. Woods.
Morris. Yett.

Nays—none.

Absent.

Bailey. Greer.
Boren. Linn of Wharton.
Dibrell. Wayland.
Goss. Yantis.
Gough.

Bill read third time, and passed by the following vote:

Yeas—23.

Atlee. Burns.
Beall. Colquitt.
Bowser. Darwin.

Goss.
Gough.
Harrison.
Kerr.
Lewis.
Linn of Victoria.
Morriess.
Neal.
Presler.

Rogers.
Ross.
Stafford.
Stone.
Terrell.
Tillett.
Turney.
Woods.

Nays—none.

Absent.

Bailey.
Boren.
Dibrell.
Greer.

Linn of Wharton.
Wayland.
Yantis.
Yett.

Senator Darwin moved that the Senate adjourn to 3 p. m. to-day.
Lost.

(Lieutenant Governor Jester in the chair.)

On motion of Senator Beall, the regular order of business was suspended to take up on second reading.

House bill No. 124, a bill to be entitled "An act to provide for the survey of lands to be set apart as a permanent endowment fund for the branch university for colored people of this State."

The bill was read second time, and was passed to a third reading.

On motion of Senator Beall, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—23.

Atlee.
Bailey.
Beall.
Bowser.
Burns.
Colquitt.
Goss.
Gough.
Harrison.
Kerr.
Lewis.
Linn of Victoria.

Morriess.
Neal.
Presler.
Rogers.
Ross.
Stafford.
Stone.
Terrell.
Tillett.
Turney.
Woods.

Nays—1.

Darwin.

Absent.

Boren.
Dibrell.
Greer.
Linn of Wharton.

Wayland.
Yantis.
Yett.

The bill was read third time and passed by the following vote:

Yeas—23.

Atlee.
Beall.
Bowser.

Burns.
Colquitt.
Goss.

Gough.
Harrison.
Kerr.
Lewis.
Linn of Victoria.
Morriess.
Neal.
Presler.
Ross.

Stafford.
Stone.
Terrell.
Tillett.
Turney.
Wayland.
Woods.
Yett.

Nays—1.

Darwin.

Absent.

Bailey.
Boren.
Dibrell.
Greer.

Linn of Wharton.
Rogers.
Yantis.

The Chair laid before the Senate, on third reading,

House bill No. 463, entitled "An act to amend article 802 of chapter 3 of title XVII of the Penal Code of the State of Texas."

Bill read third time and passed.

The Chair laid before the Senate, on third reading,

House bill No. 464, a bill to be entitled "An act to permit Thomas E., Jesse F., Stella and Drew Finch to sue the State of Texas for the recovery of certain lands situated in Wise county, Texas, and to provide for service."

On motion of Senator Colquitt, the above bill was laid on the table subject to call.

The Chair laid before the Senate on second reading,

House bill No. 667, a bill to be entitled "An act to render more effective and efficient the present road law of the State of Texas in its application and operation in the counties of Galveston, Harris, Brazoria, Wharton, Calhoun and Victoria, and to authorize and empower said counties to issue bonds for the construction and maintenance of public roads and highways within the said respective counties."

The bill was read second time, and was passed to a third reading.

On motion of Senator Linn of Victoria, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—24.

Atlee.
Beall.
Bowser.
Burns.
Colquitt.
Darwin.
Gough.

Greer.
Harrison.
Kerr.
Lewis.
Linn of Victoria.
Morriess.
Neal.

Rogers.	Tillett.
Ross.	Turney.
Stafford.	Wayland.
Stone.	Woods.
Terrell.	Yett.

Nays—none.

Absent.

Bailey.	Linn of Wharton.
Boren.	Presler.
Dibrell.	Yantis.
Goss.	

Bill read third time, and passed by the following vote:

Yeas—25.

Atlee.	Neal.
Bailey.	Presler.
Beall.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Stone.
Darwin.	Terrell.
Gough.	Tillett.
Harrison.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yett.
Morriss.	

Nays—none.

Absent.

Boren.	Greer.
Dibrell.	Linn of Wharton.
Goss.	Yantis.

On motion of Senator Bailey, the regular order of business was suspended to take up on third reading.

Senate bill No. 129, a bill to be entitled "An act to create and establish an industrial institute in the State of Texas, and a college for the education of white girls in the arts and sciences."

Bill read third time.

Senator Darwin moved that the Senate adjourn to 3 p. m. to-day.

Lost.

Bill passed by the following vote:

Yeas—14.

Atlee.	Lewis.
Bailey.	Neal.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Harrison.	Wayland.
Kerr.	Woods.

Nays—12.

Colquitt.	Stafford.
Darwin.	Stone.
Gough.	Terrell.
Greer.	Tillett.
Linn of Victoria.	Turney.
Morriss.	Yett.

Absent.

Boren.	Linn of Wharton.
Dibrell.	Yantis.
Goss.	

Senator Beall entered a motion to reconsider the vote by which Senate bill No. 129 (see above) was passed.

The Chair announced the following conference committee on Senate bill No. 33: Senators Burns, Gough, Rogers, Presler and Darwin.

On motion of Senator Tillett, the Senate adjourned to 10 a. m. to-morrow.

EIGHTY-NINTH DAY.

Senate Chamber,

Austin, Texas, Thursday, May 6.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Linn of Wharton.
Bailey.	Morriss.
Beall.	Neal.
Bowser.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yantis.
Linn of Victoria.	Yett.

Absent.

Boren.

Prayer by the Rev. R. J. Briggs of Austin, as follows:

Almighty God: We thank Thee for the gift of another day, with the opportunities of love and service which it brings us. We come to Thee for wisdom and guidance, that we may not fail to meet the full measure of the divine expectation and requirement. Look upon the representative men who labor here for the peace and prosperity of all the people. May they be guided this day by the wisdom that lies behind all nature and all life. May they be sustained by the truth that knows no ebb and flow. May they be inspired by the love that knows no lapsing, and cheered by the vision of those eternal things that lie beyond all change. May that fear of God, that love of righteousness, that